

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-12598-GAO

ANTONIO MEDEROS,
Petitioner,

v.

BRUCE CHADBOURNE,
Respondent.

ORDER
September 27, 2005

O'TOOLE, D.J.

After a judgment of dismissal was entered, the petitioner filed a paper seeking reconsideration of the Court's order for dismissal. The Court construes the motion as one for relief from judgment pursuant to Fed.R.Civ.P. 60(b). In support of reconsideration, the petitioner states in substance that he had previously filed a motion to extend the time for filing an opposition to the respondent's motion to dismiss and that the reason he had not yet opposed the motion to dismiss was that he was still awaiting a ruling on his motion to extend time.

The motion to extend time was granted by the Court on April 22, 2005, and the petitioner was given until June 1, 2005 to file a response to the motion to dismiss. Although the petitioner does not explicitly say so, it may be that he did not receive notice of the action on his earlier motion.

In the interests of justice, it is appropriate to vacate the judgment previously entered to permit the petitioner to file an opposition to the motion to dismiss. He shall do so not later than October 21, 2005. The respondent may, if he wishes, then file a reply not later than October 31, 2005.

It is SO ORDERED.

September 27, 2005
Date

[Signature]
District Judge